

WEDNESDAY, APRIL 2, 2003

TWENTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor Allen Jackson of World Outreach Church in Murfreesboro, Tennessee, a guest of Senator Trail.

PLEDGE OF ALLEGIANCE

Senator McLeary led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 31, 120, 124, 211, 449, 490, 630, 696, 720 and 731; and Senate Joint Resolutions Nos. 147 and 148.

COHEN, Chairperson
April 1, 2003

The Speaker announced that he had referred Senate Bills Nos. 31, 120, 124, 211, 449, 490, 630, 696, 720 and 731; and Senate Joint Resolutions Nos. 147 and 148 to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 411, 603 with amendment, 613, 836 with amendment, 1149 with amendment, 1689, 1927, 1929 with amendment, 1930 with amendment, 1978 with amendment, 1979 with amendment and 1980 with amendment.

COOPER, Chairperson
April 1, 2003

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The Speaker announced that he had referred Senate Bills Nos. 411, 603 with amendment, 613, 836 with amendment, 1149 with amendment, 1689, 1927, 1929 with amendment, 1930 with amendment, 1978 with amendment, 1979 with amendment and 1980 with amendment to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 295, 352, 353 with amendment, 395, 406, 491, 526 with amendment, 987 with amendment and 1499; also, recommend that Senate Bill No. 879 with amendment be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
April 1, 2003

The Speaker announced that he had referred Senate Bills Nos. 295, 352, 353 with amendment, 395, 406, 491, 526 with amendment, 987 with amendment and 1499 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 879 with amendment to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 272.

McNALLY, Chairperson
April 2, 2003

The Speaker announced that he had referred Senate Bill No. 272 to Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 949, 950 and 1650; also, recommend that Senate Bill No. 481 be referred to Committee on Finance, Ways and Means.

HARPER, Chairperson
April 2, 2003

The Speaker announced that he had referred Senate Bills Nos. 949, 950 and 1650 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 481 to Committee on Finance, Ways and Means.

PRESENTATION

Senator Burks presented Senate Joint Resolution No. 147 to Sara O'Meara and Yvonne Fedderson.

MOTION

Senator Burks moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 147**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 147 -- Naming and Designating -- National Day of Hope, first Wednesday of April 2003.

On motion of Senator Burks, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 147** was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Person moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 233**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 233 by Senator Person.

Memorials, Professional Achievement -- William H. Watkins, Jr., Alumnus of the Year.

On motion of Senator Person, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 233** was adopted by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that the rules be suspended for the introduction and immediate consideration of **Senate Resolution No. 25**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Resolution No. 25 by Senator Norris.

Memorials, Congratulations -- City of Millington, 100th anniversary.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 25** was adopted by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 235**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 235 by Senator Herron.

Memorials, Congratulations -- Alpha Upsilon Chapter of Alpha Gamma Rho National Fraternity.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 235** was adopted by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

PRESENTATION

Senator Jackson presented **Senate Joint Resolution No. 18** to Judge Allen W. Wallace.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2011 by Senator Walker.

Jamestown -- Subject to local approval, increases annual salary of mayor and per diem allowance of aldermen; increases terms of office for mayor and aldermen from two to four years. Amends Chapter 54 of the Private Acts of 1959; as amended.

Senate Bill No. 2012 by Senator Clabough.

Tobacco Master Settlement Agreement -- Enacts model language to aid enforcement of Tennessee Tobacco Manufacturer's Escrow Fund Act. Amends TCA Title 67, Chapter 4.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 466 -- Alcoholic Beverages -- Authorizes expungement of conviction for underage consumption of intoxicating liquors and beer under certain circumstances. Amends TCA Title 1; Title 39; Title 40 and Title 57.

House Bill No. 472 -- Criminal Procedure -- Clarifies law that order of expungement entered for any reason and for all classes of offenses must be sent by court to TBI for entry into expunged offender database. Amends TCA Section 40-32-101(d)(1).

House Bill No. 751 -- Garnishments and Executions -- Provides sheriff does not receive commissions for service of process. Amends TCA Title 26, Chapter 2.

House Bill No. 758 -- Insurance Companies, Agents, Brokers, Policies -- Permits insurers to give preferences or distinctions in insurance coverage, rates, premiums, benefits or conditions based on membership in professional association with more than 5,000 dues paying members residing or practicing in at least 80 counties. Amends TCA Section 56-8-116.

House Bill No. 789 -- Public Records -- Authorizes municipalities to dispose of permanent paper records where such records have been appropriately preserved by other means such as microfilm or computer storage, and to adopt reasonable rules and policies relative to municipal records. Amends TCA Section 10-7-702.

House Bill No. 863 -- Highways, Roads and Bridges -- "Jim W. Ayers Highway", segment of U.S. Highway 412 west of Parsons in Decatur County.

House Bill No. 900 -- Special License Plates -- Authorizes issuance of Horticulture cultural license plates. Amends TCA Title 54 and Title 55.

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House Bill No. 987 -- State Symbols -- Designates tomato as official state fruit. Amends TCA Title 4, Chapter 1, Part 3.

House Bill No. 1010 -- Municipal Government -- Requires municipalities or counties that regulate radio antenna placement, screening or height to reasonably accommodate amateur radio antennas; establishes minimum height restrictions; permits appeal process for higher antennas; sets out factors to be considered in granting applications. Amends TCA Title 5, Chapter 7; Title 6, Chapter 54 and Title 13.

House Bill No. 1013 -- County Government -- Removes present restriction which does not permit counties having county-wide zoning to exercise nuisance powers granted to municipalities which other counties may exercise by adopting resolution by two-thirds vote; requires such regulations to also be enacted by adoption of resolution passed by two-thirds vote. Amends TCA Section 5-1-118.

House Bill No. 1158 -- Physicians and Surgeons -- Permits community mental health center to employ psychiatrist and defines psychiatrist. Amends TCA Section 63-6-204.

House Bill No. 1597 -- Historical Sites and Preservation -- Removes exemption for Hermitage from being designated as state property or property owned by state. Amends TCA Title 4, Chapter 13.

House Bill No. 1951 -- Radio and Television -- Authorizes pilot project for certain municipalities operating electric plant to provide cable service within county in which municipality is located under certain circumstances. Amends TCA Section 7-52-601.

House Bill No. 2077 -- Bells -- Subject to local approval, establishes position of vice mayor. Amends Chapter 80 of the Private Acts of 1993.

House Bill No. 2078 -- Rutherford County -- Subject to local approval, creates human resources department.

House Bill No. 2079 -- Hamblen County -- Subject to local approval, requires county road fund warrants to be signed by county executive and counter-signed by finance director. Amends Chapter 161 of the Private Acts of 1996.

House Bill No. 2080 -- Grainger County -- Subject to local approval, revises procedures for budgeting and financial management. Amends Chapter 502 of the Private Acts of 1939; as amended, and Chapter 232 of the Private Acts of 1980; as amended.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 2007 held on desk.

Senate Bill No. 2008 held on desk.

Senate Bill No. 2009 held on desk.

Senate Bill No. 2010 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 214 by Senator Herron.

Highway Signs -- Renames section of S.R. 43 within city limits of Martin "Skyhawk Parkway".

Senate Joint Resolution No. 215 by Senator Trail.

Memorials, Death -- Dayton Lester.

Senate Joint Resolution No. 216 by Senator Graves.

Memorials, Academic Achievement -- James "Jim" William Geiger, Valedictorian, Beech High School.

Senate Joint Resolution No. 217 by Senator Graves.

Memorials, Academic Achievement -- Thomas Kailech Thoat, Salutatorian, E.B. Wilson High School.

Senate Joint Resolution No. 218 by Senator Graves.

Memorials, Academic Achievement -- Dak Wal Miyuang, Valedictorian, E.B. Wilson High School.

Senate Joint Resolution No. 219 by Senator Graves.

Memorials, Academic Achievement -- Lacey Erin Carter, Salutatorian, Portland High School.

Senate Joint Resolution No. 220 by Senator Graves.

Memorials, Academic Achievement -- Rosanna Marie VanEs, Salutatorian, Station Camp High School.

Senate Joint Resolution No. 221 by Senator Graves.

Memorials, Academic Achievement -- Keri Mahaffey, Valedictorian, Station Camp High School.

Senate Joint Resolution No. 222 by Senator Graves.

Memorials, Academic Achievement -- Erica McCaleb, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 223 by Senator Graves.

Memorials, Academic Achievement -- William Spears, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 224 by Senator Graves.

Memorials, Academic Achievement -- Michael Scott York, Salutatorian, Westmoreland High School.

Senate Joint Resolution No. 225 by Senator Graves.

Memorials, Academic Achievement -- Brittiny Deanna Williams, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 226 by Senator Graves.

Memorials, Academic Achievement -- Ashley Shanay Pedigo, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 227 by Senator Graves.

Memorials, Academic Achievement -- Timothy Clay Dickerson, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 228 by Senator Graves.

Memorials, Academic Achievement -- Jessica Shea Chambers, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 229 by Senator Graves.

Memorials, Academic Achievement -- Benjamin Owen Hankemeier, Valedictorian, Westmoreland High School.

Senate Joint Resolution No. 230 by Senator Graves.

Memorials, Academic Achievement -- Anna Daley Womack, Valedictorian, White House High School.

Senate Joint Resolution No. 231 by Senator Graves.

Memorials, Academic Achievement -- Ananta Bhatt, Salutatorian, White House High School.

Senate Joint Resolution No. 232 by Senator Graves.

Memorials, Academic Achievement -- Jennifer Nicole Gilliam, Valedictorian, Portland High School.

Senate Joint Resolution No. 234 by Senator Graves.

Memorials, Academic Achievement -- Ryan Freeman, Salutatorian, Beech High School.

Senate Resolution No. 26 by Senator Dixon.

Memorials, Interns -- Samuel Christian, Jr.

RESOLUTIONS LYING OVER

House Joint Resolution No. 97 -- General Assembly, Directed Studies -- Requests Council on Pensions and Insurance to study feasibility of instituting deferred retirement option plan for Tennessee state employees as retirement option.

The Speaker announced that he had referred House Joint Resolution No. 97 to Committee on Finance, Ways and Means.

House Joint Resolution No. 265 -- Memorials, Retirement -- Herman C. Ewing.

The Speaker announced that he had referred House Joint Resolution No. 265 to Committee on Calendar.

House Joint Resolution No. 266 -- Memorials, Sports -- Daniel Boone High School girls' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 266 to Committee on Calendar.

House Joint Resolution No. 267 -- Memorials, Death -- Bobby Sanders.

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The Speaker announced that he had referred House Joint Resolution No. 267 to Committee on Calendar.

House Joint Resolution No. 271 -- Memorials, Congratulations -- Tennessee Kappa Chapter of Sigma Phi Epsilon.

The Speaker announced that he had referred House Joint Resolution No. 271 to Committee on Calendar.

Senate Joint Resolution No. 206 -- Memorials, Public Service -- Lebanon Department of Safety, Police Division.

The Speaker announced that he had referred Senate Joint Resolution No. 206 to Committee on Calendar.

Senate Joint Resolution No. 207 -- Memorials, Academic Achievement -- Cynthia Nicole Fox, Salutatorian, Hermitage Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 207 to Committee on Calendar.

Senate Joint Resolution No. 208 -- Memorials, Academic Achievement -- Joshua McCarter, Valedictorian, Hermitage Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 208 to Committee on Calendar.

Senate Joint Resolution No. 209 -- Memorials, Sports -- Brentwood Academy Eagles, State Championship.

The Speaker announced that he had referred Senate Joint Resolution No. 209 to Committee on Calendar.

Senate Joint Resolution No. 210 -- General Assembly, Confirmation of Appointment -- Boyce C. Magli, Wildlife Resources Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 210 to Committee on Environment, Conservation and Tourism.

Senate Joint Resolution No. 211 -- General Assembly, Confirmation of Appointment -- Thomas H. Edwards, Wildlife Resources Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 211 to Committee on Environment, Conservation and Tourism.

Senate Joint Resolution No. 212 -- General Assembly, Confirmation of Appointment -- Gary K. Kimsey, Wildlife Resources Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 212 to Committee on Environment, Conservation and Tourism.

Senate Joint Resolution No. 213 -- Memorials, Professional Achievement -- Vicki Palmer.

The Speaker announced that he had referred Senate Joint Resolution No. 213 to Committee on Calendar.

CONSENT CALENDAR

House Joint Resolution No. 174 -- Memorials, Professional Achievement -- Tennessee Medical Association Alliance, 75th anniversary.

House Joint Resolution No. 190 -- Memorials, Public Service -- Dodd Family, Bike Across America.

House Joint Resolution No. 191 -- Memorials, Academic Achievement -- Brittany Rigsby, Salutatorian, Eagleville High School.

House Joint Resolution No. 192 -- Memorials, Academic Achievement -- Benjamin Vance, Valedictorian, Blackman High School.

House Joint Resolution No. 193 -- Memorials, Academic Achievement -- David Hargis, Valedictorian, Blackman High School.

House Joint Resolution No. 194 -- Memorials, Academic Achievement -- John Trageser, Valedictorian, Blackman High School.

House Joint Resolution No. 195 -- Memorials, Academic Achievement -- Jenna Thomas, Valedictorian, Blackman High School.

House Joint Resolution No. 196 -- Memorials, Academic Achievement -- Hannah Randolph, Valedictorian, Blackman High School.

House Joint Resolution No. 197 -- Memorials, Academic Achievement -- Mary Beth Flaschner, Valedictorian, Blackman High School.

House Joint Resolution No. 198 -- Memorials, Academic Achievement -- Jason Crook, Valedictorian, Blackman High School.

House Joint Resolution No. 199 -- Memorials, Academic Achievement -- Kelli Ann Paschal, Salutatorian, Blackman High School.

House Joint Resolution No. 200 -- Memorials, Academic Achievement -- Amber Galliher, Valedictorian, LaVergne High School.

House Joint Resolution No. 201 -- Memorials, Academic Achievement -- Brittany Greene, Valedictorian, LaVergne High School.

House Joint Resolution No. 202 -- Memorials, Academic Achievement -- Bradley McIlwain, Salutatorian, LaVergne High School.

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House Joint Resolution No. 203 -- Memorials, Academic Achievement -- Danielle Lansor, Valedictorian, LaVergne High School.

House Joint Resolution No. 204 -- Memorials, Academic Achievement -- April Richardson, Valedictorian, LaVergne High School.

House Joint Resolution No. 205 -- Memorials, Academic Achievement -- Robert Stevens, Valedictorian, Middle Tennessee Christian School.

House Joint Resolution No. 206 -- Memorials, Academic Achievement -- Casey Hall, Salutatorian, Middle Tennessee Christian School.

House Joint Resolution No. 207 -- Memorials, Academic Achievement -- Travis Copen, Valedictorian, Riverdale High School.

House Joint Resolution No. 208 -- Memorials, Academic Achievement -- Shannon Beels, Valedictorian, Riverdale High School.

House Joint Resolution No. 209 -- Memorials, Academic Achievement -- Dashiell Hibbard, Valedictorian, Riverdale High School.

House Joint Resolution No. 210 -- Memorials, Academic Achievement -- Lauren Todt, Valedictorian, Riverdale High School.

House Joint Resolution No. 211 -- Memorials, Academic Achievement -- Amanda Lewis, Valedictorian, Riverdale High School.

House Joint Resolution No. 212 -- Memorials, Academic Achievement -- Neha Kakkar, Valedictorian, Riverdale High School.

House Joint Resolution No. 213 -- Memorials, Academic Achievement -- Brian Lynch, Valedictorian, Riverdale High School.

House Joint Resolution No. 214 -- Memorials, Academic Achievement -- John King, Valedictorian, Riverdale High School.

House Joint Resolution No. 215 -- Memorials, Academic Achievement -- Stacey Badger, Valedictorian, Riverdale High School.

House Joint Resolution No. 216 -- Memorials, Academic Achievement -- Stacie Malone, Valedictorian, Smyrna High School.

House Joint Resolution No. 217 -- Memorials, Academic Achievement -- Jon Williamson, Valedictorian, Smyrna High School.

House Joint Resolution No. 218 -- Memorials, Academic Achievement -- Jayna Reed, Valedictorian, Smyrna High School.

House Joint Resolution No. 219 -- Memorials, Academic Achievement -- Ashley Fuqua, Valedictorian, Smyrna High School.

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House Joint Resolution No. 220 -- Memorials, Academic Achievement -- Heather Fuqua, Valedictorian, Smyrna High School.

House Joint Resolution No. 221 -- Memorials, Academic Achievement -- Nicholas Franklin, Valedictorian, Smyrna High School.

House Joint Resolution No. 222 -- Memorials, Academic Achievement -- Shauna Durham, Salutatorian, Smyrna High School.

House Joint Resolution No. 223 -- Memorials, Academic Achievement -- Andrew Davenport, Valedictorian, Smyrna High School.

House Joint Resolution No. 224 -- Memorials, Academic Achievement -- Corinne Anderson, Valedictorian, Smyrna High School.

House Joint Resolution No. 225 -- Memorials, Academic Achievement -- Brenna Kay Heffner, Valedictorian, Oakland High School.

House Joint Resolution No. 226 -- Memorials, Academic Achievement -- Kathleen Schmidt, Valedictorian, Oakland High School.

House Joint Resolution No. 227 -- Memorials, Academic Achievement -- Katherine Templeton, Valedictorian, Oakland High School.

House Joint Resolution No. 228 -- Memorials, Academic Achievement -- John Richmond, Valedictorian, Oakland High School.

House Joint Resolution No. 229 -- Memorials, Academic Achievement -- Molly Roberson, Valedictorian, Oakland High School.

House Joint Resolution No. 230 -- Memorials, Academic Achievement -- Felisha Riggs, Valedictorian, Oakland High School.

House Joint Resolution No. 231 -- Memorials, Academic Achievement -- Erin Snyder, Valedictorian, Oakland High School.

House Joint Resolution No. 232 -- Memorials, Academic Achievement -- Yu Chiu-Tien Nmn, Valedictorian, Oakland High School.

House Joint Resolution No. 233 -- Memorials, Academic Achievement -- Joanna Bradley, Valedictorian, Oakland High School.

House Joint Resolution No. 234 -- Memorials, Academic Achievement -- Sara Carter, Valedictorian, Oakland High School.

House Joint Resolution No. 235 -- Memorials, Academic Achievement -- Michael Hurder, Valedictorian, Oakland High School.

House Joint Resolution No. 236 -- Memorials, Academic Achievement -- Brian Huwe, Valedictorian, Oakland High School.

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House Joint Resolution No. 237 -- Memorials, Academic Achievement -- Heather Ruse, Valedictorian, Oakland High School.

House Joint Resolution No. 238 -- Memorials, Academic Achievement -- Eric Bolyard, Valedictorian, Oakland High School.

House Joint Resolution No. 239 -- Memorials, Academic Achievement -- Amanda McCurley, Salutatorian, Franklin Road Christian School.

House Joint Resolution No. 240 -- Memorials, Academic Achievement -- Tamara Fox, Valedictorian, Franklin Road Christian School.

House Joint Resolution No. 241 -- Memorials, Academic Achievement -- Megan Elizabeth Davis, Salutatorian, Eagleville High School.

House Joint Resolution No. 242 -- Memorials, Academic Achievement -- Ashley Marie Johnson, Valedictorian, Eagleville High School.

House Joint Resolution No. 243 -- Memorials, Academic Achievement -- Benjamin King, Valedictorian, Eagleville High School.

House Joint Resolution No. 244 -- Academic Achievement -- Karyl Smotherman, Valedictorian, Eagleville High School.

House Joint Resolution No. 245 -- Memorials, Academic Achievement -- Jacob Lee Smith, Valedictorian, Eagleville High School.

House Joint Resolution No. 246 -- Memorials, Sports -- Gallatin High School boys' basketball team.

House Joint Resolution No. 247 -- Memorials, Retirement -- Evelyn Tuttle.

House Joint Resolution No. 248 -- Memorials, Personal Occasion -- Don and Pearl Mae Stringfellow, 50th wedding anniversary.

House Joint Resolution No. 249 -- Memorials, Professional Achievement -- Danielle Smith, Sumner County Teacher of the Year.

House Joint Resolution No. 250 -- Memorials, Professional Achievement -- Cynthia Binkley, Sumner County Teacher of the Year.

House Joint Resolution No. 251 -- Memorials, Professional Achievement -- Jean Hawkins, Sumner County Middle School Teacher of the Year.

House Joint Resolution No. 252 -- Memorials, Sports -- Hendersonville High School boys' basketball team.

House Joint Resolution No. 253 -- Memorials, Sports -- Hendersonville High School Golden Girls Dance Team.

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House Joint Resolution No. 254 -- Memorials, Professional Achievement -- Billy Mayfield, TSSAA Hall of Fame.

House Joint Resolution No. 255 -- Memorials, Professional Achievement -- William H. Watkins, Jr., Alumnus of the Year.

House Joint Resolution No. 256 -- Memorials, Heroism -- Markeet Miller.

House Joint Resolution No. 257 -- Memorials, Heroism -- Mario Montgomery.

House Joint Resolution No. 258 -- Memorials, Heroism -- Joseph Miller.

House Joint Resolution No. 259 -- Memorials, Heroism -- Danny Jackson.

House Joint Resolution No. 260 -- Memorials, Retirement -- Patty Crutchfield.

House Joint Resolution No. 263 -- Memorials, Retirement -- Evelyn Tuttle.

DIVISION OF THE QUESTION

Senator Henry called for the Division of the Question on the Consent Calendar pursuant to Rule 53, which is as follows:

DIVISION NO. 2

House Joint Resolutions Nos. 174, 190, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260 and 263.

Senator Crowe moved that Division No. 2 to the Consent Calendar be adopted, which motion failed by the following vote:

Ayes	29
Noes	1

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

Senator voting no was: Ford--1.

A motion to reconsider was tabled.

Pursuant to Rule 38, **House Joint Resolutions Nos. 174, 190, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260 and 263** were placed at the heel of the regular calendar for Monday, April 7, 2003.

DIVISION NO. 1

House Joint Resolutions Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222,

223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244 and 245.

Senator Crowe moved that Division No. 1 to the Consent Calendar be adopted, which motion failed by the following vote:

Ayes 29
Noes 2

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--29.

Senators voting no were: Cohen and Ford--2.

A motion to reconsider was tabled.

Pursuant to Rule 38, **House Joint Resolutions Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244 and 245** were placed at the heel of the regular calendar for Monday, April 7, 2003.

MOTION

Senator Ramsey moved that Rule 38 be suspended for the purpose of allowing the House Joint Resolutions on the Consent Calendar for today to be placed on the Consent Calendar for Monday, April 7, 2003, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--28.

REFERRAL OF BILLS

Senator Crowe announced that pursuant to Rule 31, the following bills were referred to the Committee on Finance, Ways and Means: **Senate Bills Nos. 630, 720 and 1929.**

CALENDAR

Senate Bill No. 1465 -- Election Laws -- Removes requirement that person must own at least 50 percent fee simple interest in real property when municipal charter provides for property rights voting; clarifies that no more than two persons can vote based on ownership of individual tract of property regardless of number of property owners. Amends TCA Section 2-2-107.

Senate Bill No. 1465 passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 1501 -- Tennessee Bureau of Investigation -- Clarifies that criminal history records check for persons working with children will include check conducted by Federal Bureau of Investigation along with Tennessee Bureau of Investigation; clarifies that Federal Bureau of Investigation will be reimbursed for cost of check in same manner as Tennessee Bureau of Investigation. Amends TCA Section 37-1-414.

On motion, Senate Bill No. 1501 was made to conform with **House Bill No. 1314**.

On motion, House Bill No. 1314, on same subject, was substituted for Senate Bill No. 1501.

Senator Person moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1314** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Miller moved that **Senate Bill No. 1567** be placed on the calendar for Wednesday, April 9, 2003, which motion prevailed.

Senate Bill No. 1936 -- Public Contracts -- Authorizes, in regard to provisions allowing securities or cash being substituted for bond to secure public contract, certificates of deposits and letters of credits from state or national banks whose principal offices are in other states so long as such banks maintain branch in this state. Amends Tennessee Code Annotated, Section 12-4-201.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety subdivision (b)(4) from the amendatory language of Section 1, and by substituting instead the following language:

(4) A letter of credit from a state or national bank or state or federal savings and loan association having its principal office in Tennessee; or any state or national bank or state or federal savings and loan association that has its principal office outside this state and that maintains one (1) or more branches in this state which are authorized to accept federally

insured deposits. The terms and conditions of any letter of credit shall be subject to the approval of the public official named in the contract. The form of such letter of credit shall be provided by the bank or savings and loan association and may be based on either the Uniform Commercial Code, Tennessee Code Annotated, Title 47, Chapter 5, or the ICC Uniform Customs and Practice for Documentary Credits (UCP 500). All letters of credit shall be accompanied by an authorization of the contractor to deliver retained funds to the bank issuing the letter; or

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1936**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Dixon moved that **Senate Bill No. 154** be rereferred to the Committee on Calendar, which motion prevailed.

MOTION

Senator Herron moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 271**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 271 -- Memorials, Congratulations -- Tennessee Kappa Chapter of Sigma Phi Epsilon.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 271** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of April 7, 2003, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 7, 2003**

MONDAY – April 7

5:00 p.m. Session – Senate Chamber

TUESDAY – April 8

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

WEDNESDAY – April 9

8:00 a.m. – 9:30 a.m.	Education Committee
9:30 a.m. – 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. – 11:30 a.m.	Environment, Conservation & Tourism Committee
12:00 p.m. – 12:30 p.m.	Lunch
12:30 p.m. – 1:30 p.m.	Transportation Committee
1:30 p.m. – 2:30 p.m.	Government Operations Committee
2:30 p.m.	Senate Caucuses
3:00 p.m.	Session – Senate Chamber

THURSDAY – April 10

NO SENATE SESSION

9:00 a.m. Finance, Ways & Means Committee

FRIDAY – April 11

9:00 a.m. Finance, Ways & Means Committee

OTHER MEETINGS:

Monday, April 7, 2003 – Oversight Committee on TennCare
3:00 - 4:00 p.m. – Room 12/14 LP

Monday, April 7, 2003 – Republican Caucus Meeting
6:00 p.m. – Room 313 War Memorial Building

Monday, April 7, 2003 – Sub-Committee on Tort Reform
1:00 p.m. – LP 1 Conference Room

Tuesday, April 8, 2003 – Commerce, Labor & Agriculture Pre-Meeting
7:30 a.m. – Third Floor Conference Room

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Bill No. 897** was recalled from the Committee on Transportation.

REFERRAL

On motion of Mr. Speaker Wilder, Senate Bill No. 897 was referred to the Committee on Commerce, Labor and Agriculture.

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Joint Resolution No. 205** was recalled from the Committee on State and Local Government.

REFERRAL

On motion of Mr. Speaker Wilder, Senate Joint Resolution No. 205 was referred to the Committee on Education.

MOTION

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 1941**.

On motion of Senator Person, his name was added as sponsor of **House Joint Resolution No. 255 and Senate Resolution No. 25**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 147**.

On motion, all Senators' names were added as sponsors of **Senate Resolution No. 25**.

On motion of Senator Kurita, her name was added as prime sponsor of **Senate Bill No. 1282**.

On motion of Senators Dixon, Crowe and Fowler, their names were added as sponsors of **Senate Bill No. 1282**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 1685**.

On motion of Senators Ketron and Trail, their names were added as sponsors of **House Joint Resolutions Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244 and 245**.

On motion of Senator Ketron, his name was added as sponsor of **House Joint Resolutions Nos. 174 and 190**.

On motion of Senators Beavers and Graves, their names were added as sponsors of **House Joint Resolutions Nos. 246, 247, 248, 249, 250, 251, 252, 253 and 263**.

WEDNESDAY, APRIL 2, 2003 -- 26TH LEGISLATIVE DAY

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 256, 257, 258 and 259.**

On motion of Senator Haynes, his name was added as sponsor of **Senate Bill No. 1687.**

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 1913.**

ENGROSSED BILLS

April 2, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1465 and 1936; and Senate Joint Resolutions Nos. 147, 233 and 235; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 280, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 57, 536, 1048 and 2081; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 195, 196, 197, 198, 199, 200 and 202; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 235, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 159, 269, 270, 272, 273, 275, 276 and 278; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 2, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 15, 39, 47, 291, 579, 742, 838, 1047 and 1452; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 25, and find same correctly enrolled and ready for the signature of the Speaker.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 195, 196, 197, 198, 199, 200, 202 and 235; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 1, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1262 and 1315, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 271, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 2, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 15, 39, 47, 291, 579, 742, 838, 1047 and 1452; and House Bills Nos. 1262 and 1315.

SIGNED

April 3, 2003

The Speaker announced that he had signed the following: Senate Resolution No. 25.

SIGNED

April 3, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 195, 196, 197, 198, 199, 200, 202 and 235.

SIGNED

April 3, 2003

The Speaker announced that he had signed the following: House Joint Resolution No. 271.

MESSAGE FROM THE HOUSE

April 3, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 15, 39, 47, 291, 579, 742, 838, 1047 and 1452; and Senate Joint Resolutions Nos. 195, 196, 197, 198, 199, 200, 202 and 235; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 195, 196, 197, 198, 199, 200, 202 and 235; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 15, 39, 47, 291, 579, 742, 838, 1047 and 1452; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 2, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 187, 541 and 1528; and Senate Joint Resolutions Nos. 126, 173, 174, 175, 176, 177, 178, 182, 183, 184, 185, 186, 187, 189, 190, 191, 192 and 201; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 2, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 204, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 7, 2003: Senate Joint Resolutions Nos. 148, 206, 207, 208, 209 and 213; and House Joint Resolutions Nos. 265, 266, 267, 174, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260 and 263.

This the 3rd day of April, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 7, 2003: Senate Bills Nos. 31, 124, 211, 411, 613, 295, 352, 406, 491, 526, 1499 and 272.

This the 3rd day of April, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 7, 2003: Senate Bills Nos. 120, 349, 353, 395, 449, 490, 530, 603, 836, 987, 1689, 614, 791 and 792.

This the 3rd day of April, 2003.
CROWE, Chairperson.

WEDNESDAY, APRIL 2, 2003 -- 26TH LEGISLATIVE DAY

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn pursuant to Senate Joint Resolution No. 201 until 5:00 p.m., Monday, April 7, 2003, which motion prevailed.